

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

United States of America
v.

BRANDON BEVERLY

Case No.

2:21-mj-00115

Defendant(s)

SEALED

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 2019 in the county of Boone and Lincoln in the
Southern District of West Virginia, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 1366(b)

Destruction of an Energy Facility

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Anthony S. Perdue, WVSP Sergeant

Printed name and title

Signed and sworn to by telephonic means.

~~Sworn to before me and signed in my presence.~~Date: July 7, 2021City and state: Charleston, West Virginia
Judge's signature

Dwane L. Tinsley, United States Magistrate Judge

Printed name and title

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

AFFIDAVIT

I, ANTHONY S. PERDUE, being duly sworn, do hereby depose and state as follows:

1. I am a Lieutenant with the West Virginia State Police ("WVSP") currently assigned to the Professional Standards Division.

2. I have been a sworn member of the WVSP for 22 years. I have received training and routinely work in the area of criminal investigation. I graduated from West Virginia State College (now known as West Virginia State University) with an associate degree in Applied Police Science. I have obtained training in criminal investigations, homicide investigations, drug identification, drug investigation techniques, and have completed a 32-week training course at the WVSP Academy. I have supplemented my training by attending various criminal and drug investigative schools through the WVSP, Bureau of Criminal Investigations ("BCI"). I have been stationed in various locations throughout the southern part of West Virginia since 1999. I have been a BCI drug investigator at the U.S. 119 Task Force. I then was stationed at BCI Charleston, West Virginia and then assigned to the FBI Task Force in Huntington, West Virginia. Later, I served as the U.S. 119 Task Force Coordinator before being promoted to First Sergeant over Logan and Mingo Counties in West Virginia. As an investigator, I regularly participate in investigations conducted by other agencies including FBI, DEA, ATF, and IRS, along with other local agencies. I am a certified law enforcement officer in the state of West Virginia. I have investigated and been involved in the successful prosecution of cases in both federal and state courts.

3. This Affidavit is made in support of an application for a criminal complaint and arrest warrant charging BRANDON BEVERLY ("BEVERLY"), with a violation of 18 U.S.C. §

1366(b). That statute makes it illegal for any person to knowingly or willfully damage or attempt to damage the property of an energy facility in an amount that in fact exceeds or would if the attempted offense had been completed have exceeded \$5,000.

4. The statements in this Affidavit are based in part on information provided by other investigators, state and local law enforcement officers, witnesses, financial records, as well as my own investigation of this matter. Since this Affidavit is being submitted for the limited purpose of securing a complaint, I have not included every fact known to me concerning this investigation.

BACKGROUND OF INVESTIGATION AND FACTS
ESTABLISHING PROBABLE CAUSE

5. At all times relevant to this Affidavit, ERP Fuels Property, also referred to as Hobet Beth Station plant ("Hobet Coal Mine") is an energy facility which is located across Boone County and Lincoln County, West Virginia, within the Southern District of West Virginia.¹ 18 U.S.C. 1366(c) defines an energy facility as a facility that is involved in the production, storage, transmission, or distribution of electricity, fuel, or another source of energy. Hobet Coal Mine was an energy facility at all times relevant to this Affidavit.

6. In or around May 2019, BEVERLY conspired with other individuals to damage the Hobet Coal Mine, an energy facility. Further, during May 2019, BEVERLY conspired with other known and unknown individuals to steal, and did in fact steal, numerous specialized pieces of mining equipment from Hobet Coal Mine. These pieces of equipment were valued at thousands of dollars each.

¹ ERP Environmental Fund, Inc. ("ERP") is a West-Virginia non-profit corporation engaged in the reclamation of a significant number of former mining permits. All coal produced by ERP is processed at the Hobet Coal Mine.

7. BEVERLY and the others' thefts caused over \$5,000 of damage of Hobet Coal Mine. BEVERLY and others stole a number of electric circuit breakers and starters that the energy facility used to power the plant, as well as clean, process, load and transport the coal. The May 2019 thefts severely damaged Hobet Coal Mine. Overall, Hobet Coal Mine lost approximately \$300,000 due to stolen and damaged equipment during this time period and was forced to shut down the processing facility for two weeks, which resulted in additional loss of \$550,000. Hobet Coal Mine also spent \$18,000 to repair the mine itself during this time.

8. During the investigation, Christopher Priestly admitted to law enforcement that he was involved in the May 2019 Hobet Coal Mine thefts. Priestly informed law enforcement that BEVERLY also participated in these thefts.

9. Roy Bolen and Stuart Dotson also admitted to law enforcement that they were involved in the May 2019 Hobet Coal Mine thefts. Bolen and Dotson informed law enforcement that they observed mine equipment in the back of a truck in which BEVERLY was driving in around May 2019.

10. BEVERLY has multiple state convictions related to break-ins and thefts from coal mines. For example, BEVERLY has a 2015 conviction in Raleigh County for Grand Larceny.

11. BEVERLY's thefts damaged the property of an energy facility in an amount that exceeded \$5,000 in violation of 18 U.S.C. § 1366(b).

CONCLUSION

12. Based upon all of the information set forth herein, I respectfully submit that this Affidavit contains probable cause to believe that BRANDON BEVERLY has committed violations of 18 U.S.C. § 1366(b) and has willfully caused at least \$5,000 of damage to an energy facility.

Further your affiant sayeth naught.



ANTHONY S. PERDUE
SERGEANT
WEST VIRGINIA STATE POLICE

Subscribed and sworn-to by the Affiant telephonically in accordance with the procedures of Rule 4.1 of the Federal Rules of Criminal Procedure, on July 7, 2021.



DWANE L. TINSLEY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA